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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER HINZE, LEO T	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/592,001	<b>Applicant(s)</b> POINTL, HARTWIG	
	<b>Examiner</b> LEO T. HINZE	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04 December 2008 have been fully considered but they are not persuasive.

a. Applicant argues on pp. 9-10 that it would be merely speculative and without support from the description of Dour to presume that cavity 360, 306b could serve as a receiving compartment for accommodating a spare ink pad. Regardless of the veracity of this argument, the claims appear to be merely directed to an apparatus with a compartment that is capable of receiving a spare ink pad, and there does not appear to be any recitation in the claims of any method steps of actually inserting a spare ink pad into a compartment. Therefore, it appears that Dour anticipates the claimed subject matter, as set forth below.

b. Applicant argues on p. 10 that there is no motivation to actually insert a replacement ink pad into the cavity 360, 306b of Dour. Regardless of the veracity of this statement, the examiner notes that when rejecting claims under 35 U.S.C. § 102(b), obviousness is irrelevant if the cited reference anticipates all of the claimed subject matter. As discussed above, the claims do not appear directed to a method of actually inserting a spare ink pad into a receiving compartment, and as such, it is of no moment whether Dour actually teaches storing a spare ink pad in a compartment.

c. Applicant argues on pp. 10-11 that the compartment 360, 306b of Dour is entirely unsuitable for accommodating a spare ink pad. The examiner disagrees. As shown in

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Figs. 5-7, the ink pad 12 fits comfortably within the envelope defined by the housing.

Therefore, it appears that the cavity 360, 306b could easily contain an ink pad 12.

d. Applicant argues on pp. 11-12 that amendments to claim 1 include further recitations of securing means for securing the positioning of a replacement in pad 18 in the receiving compartment 17. The examiner disagrees. The examiner interprets the amendment to claim 1 to recite limitations specifying that the ink pad is "in position." The examiner interprets this position to be the position of the ink pad 12 in Fig. 5, which appears to be the "position" required for the ink pad to ink the stamp.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dour et al., US 5,517,916 A (hereinafter Dour).

a. Regarding claim 1, Dour teaches a self-inking hand stamp comprising a stamp housing (302, Fig. 10) in which a stamp character--carrying stamp unit is arranged with a turning mechanism by means of which the stamp characters are pivotably movable from an inking position (22, Fig. 6) in abutment on an ink pad (10, Fig. 6) that is exchangeably arranged in said stamp housing (ink pad removable through slots 312, 318, Fig. 10), into an imprint position oriented towards a surface to be imprinted (Fig. 7),

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wherein, for actuation of the turning mechanism, an actuating bow is provided, which actuating bow is displaceably mounted on the stamp housing so as to overlap at least laterally said stamp housing (305, 307, Fig. 10) and is coupled to said turning mechanism via lateral openings provided in said stamp housing (see unlabeled slots in side wall 302d, Fig. 10) , said actuating bow being urged into the position corresponding to the inking position by a spring (354b, Fig. 10) arranged between the stamp housing and the actuating bow, and being manually movable against the force of this spring into the position corresponding to the imprinting position (Fig. 12), wherein a receiving compartment for keeping available at least one further ink pad is provided in the actuating bow (compartment formed between surface 360 and cover 306b, Fig. 10), and the at least one further ink pad comprises means, which cooperate with associated means on the walls of the housing to secure the at least one further ink pad in position (ink pad 12 is secured in position the walls of the housing in Fig. 5. A replacement ink pad would contain the same means as ink pad 12 for securing the ink pad in the proper position for stamping).

b. Regarding claim 2, Dour teaches the self-inking hand stamp according to claim 1 as discussed in the rejection of claim 1 above. Dour also teaches wherein the receiving compartment is located in that region of the actuating bow which, viewed in the direction of movement of the actuating bow, faces away from the spring (compartment is on side of 360 opposite of springs 354b, Fig. 10).

c. Regarding claim 3, Dour teaches the self-inking hand stamp according to claim 2 as discussed in the rejection of claim 2 above. Dour also teaches wherein the receiving

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compartment has an access opening towards the upper side of the actuating bow (compartment is on upper side of plate 360, Fig. 10).

d. Regarding claim 4, Dour teaches the self-inking hand stamp according to claim 2 as discussed in the rejection of claim 2 above. Dour also teaches wherein the receiving compartment is formed by a bottom wall provided at the actuating bow and by a removably mounted cap covering this bottom wall at a distance therefrom (bottom wall 360, cap 306b, Fig. 10)

e. Regarding claim 5, Dour teaches the self-inking hand stamp according to claim 4 as discussed in the rejection of claim 4 above. Dour also teaches wherein at the actuating bow, on either side of the bottom wall, side walls adjoining the bottom wall are provided and the cap is arched and insertable between these side walls (side walls 307d; cap 306b goes "between" side walls, in the recess provided around plate 360 that creates a step in from side walls 307d, Fig. 10).

f. Regarding claim 6, Dour teaches the self-inking hand stamp according to claim 4 as discussed in the rejection of claim 4 above. Dour also teaches wherein the bottom wall of the receiving compartment, on its side facing away from the receiving compartment, forms a supporting rest for that end of the spring which engages on the actuating bow (spring 354b rests against opposite side of plate 360, Fig. 10).

g. Regarding claim 7, Dour teaches the self-inking hand stamp according to claim 1 as discussed in the rejection of claim 1 above. Dour also teaches wherein the receiving compartment is formed by a wall opening provided in the actuating bow with insertion guides located therebehind, an ink pad being insertable in these insertion guides in

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drawer-like manner (walls 307d acts as insertion “guides” by indicating to a user that an ink pad should be placed between those guides so as to fit into the compartment formed when the cap 306 is attached to bow 305, Fig. 10).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony H Nguyen/  
Primary Examiner, Art Unit 2854

Leo T. Hinze  
Patent Examiner  
AU 2854  
04 February 2009